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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,065	10/16/2001	Kimikazu Matsumoto	NECF 19.075	5689

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EXAMINER

BROCK II, PAUL E

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/981,065

Applicant(s)

MATSUMOTO ET AL.

Examiner

Paul E Brock II

Art Unit

2815

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-3 and 6-8.Claim(s) withdrawn from consideration: 4,5,9 and 10.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Tom Thomas
Tom Thomas
Supervisory Patent Examiner
Technology Center

Continuation of 5. does NOT place the application in condition for allowance because: With regard to applicant's argument that "Fig. 10A, shows bored parts or openings 14R, 14G, and 14B in color filters 13R, 13G, and 13B, respectively, one of the color filters 13R, 13G, and 13G being provided for an individual pixel, (see specification, page 17, line 14, to page 18, line 1)," it should be noted that the term "bored parts" does not occur once in the portion cited by the applicant "(see specification, page 17, line 14, to page 18, line 1)." Further, elements "14R, 14G, and 14B" are only described as openings, and never described as bored parts. Nowhere in the originally filed specification are bored parts equated to openings. Therefore, applicant's arguments are not persuasive, and the objection to the drawings is proper.

With regard to applicant's arguments that "Firstly, contrary to the Examiner's opinion, elements 9a, 9b and 9c are spacer sections (see paragraph (0025) of Kurauchi)," it should be noted that applicants claim language and specification do not structurally define the bored parts over Kurauchi's spacers. Applicant has not pointed out how the present bored parts differ from Kurauchi's spacers. Therefore, applicant's arguments are not persuasive, and the rejection is proper.

With regard to applicant's argument that "unlike the applicant's invention in which the color filter of three colors neighboring each other in one direction are connected to each other, coloring layer 8c of Kurauchi is formed discontinuously (see paragraph (0025) of the reference)," it should be noted that coloring layer 8c of Kurauchi is formed discontinuously with respect to the portion of 8c where element 6c lies. The rejection specifically points out that the elements 6a, 7b, and 8c are connected to each other through layer 10. Layer 10 is a continuous layer. Therefore, applicant's arguments are not persuasive and the rejection is proper.

With regard to applicant's argument that "Kurauchi fails to show or suggest that the color filters have a bored part provided at every pixel of the transparent substrate," it should be noted that in figure 2 of Kurauchi, every pixel section has a corresponding bored part (9a, 9b, and 9c). It is not clear how Kurauchi fails to meet this limitation. Therefore, applicant's arguments are not persuasive and the rejection is proper.